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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,538	05/31/2000	Vijnan Shastri	P3718	6009

24739 7590 04/20/2004

CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

SHAH, SANJIV

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,538

Applicant(s)

SHASTRI ET AL.

Examiner

Sanjiv D. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (Patent # 6,473,778) in view of Orr (Patent # 6,430,357).

Regarding claims 1 and 8, Gibbon teaches method of editing video presentation as described in the abstract of the invention.

Extracting and time-stamping closed caption (CC) text is described in col. 2, lines 1-7 and col. 3, lines 5-7.

Gibbon teaches the analog video editing and converting analog video to digital video as described in col. 11, lines 63-67.

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Gibbon teaches determining start position and end position of video frame and topic changes as described in col. 8, lines 46-col. 10, lines 47. However it fails to specifically teach topic change detection as claimed. Orr does.

Specifically Orr teaches determining the position of topic changes in the video presentation by analyzing the closed caption is described in col. 3, lines 52-col. 4, lines 26, wherein Orr teaches parsing or analyzing closed caption data to determine selected section which is equivalent to claimed determining topic changes.

Using the topic change position in an edited version of the video presentation is described in col. 4, lines 50-60, wherein Orr teaches the user annotation (editing) between the scene changes or topic changes.

Therefore it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate determining topic changes in presentation of Orr in the method of Gibbon because it provides user with editing opportunities such as adding annotations or animation.

Regarding claims 2 and 9, Gibbon teaches the claimed invention of comparing words in CC as described in col. 9, lines 51-67, wherein Gibbon teaches comparing words in a sentences to determine start point and end point that is equivalent to the claimed feature.

Regarding claims 3 and 10, Gibbon teaches the claimed invention of nouns is described in col. 9, lines 9-22.

Regarding claims 4, 5, 11 and 12, Gibbon teaches the claimed invention of slide show icon (thumbnail) for selecting key frames from the video presentation as described in col. 12, lines 30-35. Selecting the portion of video frame is described in col. 12, lines 16-21.

Regarding claims 6 and 13, Gibbon teaches extracting portions of other media streams in a multimedia streams as described in col. 12, lines 1-15 that is associated with icon. Extracting closed caption data is described above with respect to claim 1.

Regarding claims 7 and 14, Gibbon teaches the claimed invention of displaying closed caption with icons as shown in fig 2.

Regarding claim 15, Gibbon teaches the Netscape browser with digitized video and time stamped data as shown in fig 7. It is obvious that the data is transmitted over the Internet.

Response to Arguments

1. Applicant's arguments filed 3/4/2004 have been fully considered but they are not persuasive.

Applicant argues that the cited prior art fails to teach the claimed invention. Specifically, applicant argues that Gibbon does not teach editing the video as claimed. Examiner

disagrees. Specifically editing is discussed in col. 3, lines 18-30. Therefore Examiner believes that the editing function is properly taught applied. Also preamble is not given patentable weights.

Applicant argues citing instant figure 8 and 7, the teaching of the applicant's invention and argues in detail how the scene change is detected and argues that it is not detected in similar way in Orr. Examiner disagrees. The claimed invention when interpreted broadly detects scene change. The claimed invention **does not include** language of exploiting the CC or extracting complete sentence from the CC, parsing the nouns, comparing it with the recent nouns deciding based on the comparison as argued. Orr teaches analyzing CC to detect selected section. Broadest reasonable interpretation therefore, is that it analyzes CC to detect scene change. Since the claim is not limited by applicant's argued method of detecting scene change, applicant's arguments are not persuasive.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjiv D. Shah whose telephone number is (703) 305-8355. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sanjiv D. Shah
Primary Examiner
Art Unit 2176

S. Shah
April 15, 2004